

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 97**

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**Introduced by Assembly Member Torlakson**

January 6, 2009

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An act to amend and repeal Section 60605 of, and to add and repeal Section 60605.4 of, the Education Code, relating to school curriculum.

LEGISLATIVE COUNSEL'S DIGEST

AB 97, as amended, Torlakson. School curriculum: content standards.

Existing law, operative until July 1, 2011, and to be repealed on January 1, 2012, requires the State Board of Education to adopt statewide academic content standards and performance standards, based on the recommendation of the Commission for the Establishment of Academic Content and Performance Standards and the Superintendent of Public Instruction, respectively. Existing law authorizes the state board to modify any proposed content standard or performance standard prior to its adoption.

This bill would instead repeal these provisions on January 1, 2017, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date. This bill would delete the provisions allowing the state board to modify the recommended standards prior to adoption.

The bill would require the Superintendent of Public Instruction to convene an Academic Content and Performance Standards Review Panel for each of the curriculum area content standards adopted by the state board. Teachers appointed to the panels would be required to meet specified requirements, and in choosing members for the panels, the specified appointing authorities would be required to consult with each

other to ensure that each review panel consists of members who meet prescribed requirements. The bill would require each review panel to review the content and performance standards in its particular curriculum area, and recommend changes to the state board as the review panel may deem necessary.

This bill would require the state board to hold hearings on the recommended changes to the standards, and adopt or reject the recommended changes to the standards within 120 days of receipt from the review panel, and at least 2 years prior to the adoption of the curriculum framework for the relevant subject area. The bill would require the state board, if it does not adopt the recommended changes, to provide a specific, written explanation of the reasons why the recommended changes were not adopted. The bill would authorize a review panel to modify the recommendations to correct deficiencies identified by the state board and to resubmit the recommended changes for adoption. The bill would not be implemented unless an appropriation is specifically enacted for the purposes of the bill.

The bill would repeal these provisions on January 1, 2017, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 60605 of the Education Code is amended  
2     to read:  
3     60605. (a) (1) (A) Not later than January 1, 1998, the state  
4     board shall adopt statewide academically rigorous content  
5     standards, pursuant to the recommendations of the Commission  
6     for the Establishment of Academic Content and Performance  
7     Standards, in the core curriculum areas of reading, writing, and  
8     mathematics to serve as the basis for assessing the academic  
9     achievement of individual pupils and of schools, school districts,  
10    and the California educational system. Not later than November  
11    1, 1998, the state board shall adopt these standards in the core  
12    curriculum areas of history/social science and science.  
13    (B) The state board shall adopt statewide performance standards  
14    in the core curriculum areas of reading, writing, mathematics,

1 history/social science, and science based on the recommendations  
2 made by the Superintendent of a contractor or contractors.

3 (C) The state board shall require the contractor or contractors  
4 to submit performance standards to the Superintendent and the  
5 state board not later than a specified date that allows sufficient  
6 opportunity for the Superintendent to make a recommendation to  
7 the state board and for the state board to conduct regional hearings  
8 prior to the adoption of the performance standards.

9 (2) (A) The state performance standards shall be established  
10 against specific grade level benchmarks of academic achievement  
11 for each subject area tested, and shall be based on the knowledge  
12 and skills that pupils will need in order to succeed in the  
13 information-based, global economy of the 21st century. These  
14 skills shall not include personal behavioral standards or skills,  
15 including, but not necessarily limited to, honesty, sociability, ethics,  
16 or self-esteem. The standards adopted pursuant to this section shall  
17 be for the purpose of guiding state decisions regarding the  
18 development, adoption, and approval of assessment instruments  
19 pursuant to this chapter, and shall not mandate any actions or  
20 activities by school districts.

21 (B) Because these standards are models, the adoption of these  
22 standards is not subject to the Administrative Procedure Act. This  
23 subparagraph is declaratory of existing law.

24 (3) Before adopting academic content and performance  
25 standards, the state board shall hold regional hearings for the  
26 purpose of giving parents and other members of the public the  
27 opportunity to comment on the proposed standards.

28 (b) (1) The state board shall ensure that the statewide  
29 assessment system adopted pursuant to this chapter yields valid,  
30 reliable individual pupil scores and, if applicable, aggregate school  
31 scores, school district scores, and statewide scores of pupils, and  
32 assesses basic academic skills and content standards, including  
33 the use of a direct writing assessment or other applied academic  
34 skills if deemed valid and reliable and if resources are made  
35 available for their use.

36 (2) This subdivision does not prevent the state board from  
37 developing or adopting an assessment instrument that also contains  
38 assessments of basic academic skills.

39 (c) To the extent feasible and as otherwise required, the state  
40 board shall ensure that assessments developed, or contracted for,

1 pursuant to Section 60642.5 by the state are aligned with the  
2 statewide content and performance standards adopted pursuant to  
3 subdivision (a), or pursuant to Section 60605.4. The department,  
4 with the approval of the state board, periodically shall contract for  
5 a review of the achievement test for conformance with these  
6 standards.

7 (d) After adopting statewide content and performance standards,  
8 the state board shall review the existing curriculum frameworks  
9 for conformity with the new statewide standards, and shall modify  
10 the curriculum frameworks, if appropriate, to bring them into  
11 alignment with the standards.

12 (e) The state board shall adopt regulations for the conduct and  
13 administration of the testing and assessment program.

14 (f) The state board shall adopt a regulation for minimum security  
15 procedures that test and assessment publishers and school districts  
16 shall follow to ensure the security and integrity of test and  
17 assessment questions and materials.

18 (g) Notwithstanding Section 60601, this section shall remain in  
19 effect only until January 1, 2017, and as of that date is repealed,  
20 unless a later enacted statute, that is enacted before January 1,  
21 2017, deletes or extends that date.

22 SEC. 2. Section 60605.4 is added to the Education Code, to  
23 read:

24 60605.4. (a) The Superintendent shall convene an Academic  
25 Content and Performance Standards Review Panel, consisting of  
26 13 members, for each of the curriculum area content standards  
27 adopted pursuant to this chapter.

28 (1) The members of each review panel shall be as follows:

29 (A) Six members appointed by the Governor, four of whom  
30 shall be credentialed teachers and have public school classroom  
31 experience in the curriculum area and in those grade levels for  
32 which they are appointed.

33 (B) The Superintendent, or his or her designee.

34 (C) Four members appointed by the Superintendent, three of  
35 whom shall be credentialed teachers and have public school  
36 classroom experience in the curriculum area and in those grade  
37 levels for which they are appointed.

38 (D) One member appointed by the Senate Committee on Rules.

39 (E) One member appointed by the Speaker of the Assembly.

1 (2) Members of each panel shall serve a two-year term at the  
2 pleasure of the appointing authority.

3 (3) It is the intent of the Legislature that the membership of each  
4 review panel include, but not necessarily be limited to, parents,  
5 classroom teachers, representatives of the business community,  
6 and individuals with expertise in the curriculum areas included  
7 within the content standards.

8 (4) In making appointments to each review panel, the appointing  
9 authorities specified in paragraph (1) of subdivision (a) shall  
10 consult with each other to ensure that each review panel consists  
11 of all of the following:

12 (A) Individuals with expertise in the academic ~~content or~~  
13 ~~performance standards in various grade levels.~~ *subject matter under*  
14 *review.*

15 (B) Individuals who are knowledgeable about the following:

16 (i) Urban and rural schools.

17 (ii) English learners.

18 (iii) Special education.

19 (C) Individuals from different geographical areas of the state.

20 (D) Individuals who reflect the ethnic and gender diversity of  
21 California.

22 (b) Each Academic Content and Performance Standards Review  
23 Panel shall review the content standards and performance standards  
24 approved by the state board to ensure that the standards meet all  
25 ~~of the following requirements:~~ *of , but are not limited to, the*  
26 *following:*

27 (1) Are measurable and objective.

28 ~~(2) Are aligned with the knowledge and skills called for under~~  
29 ~~the curriculum frameworks adopted by the state board.~~

30 ~~(2)~~

31 (2) Reflect the knowledge and skills necessary for California's  
32 workforce to be competitive in the global, information-based  
33 economy of the 21st century.

34 ~~(3)~~

35 (3) Are comparable in rigor to academic content and  
36 performance standards used in the school systems of America's  
37 global economic competitors.

38 ~~(5) Provide the basis for assessments for kindergarten and grades~~  
39 ~~1 to 12, inclusive, in the following groupings:~~

1 ~~(A) Early elementary grades consisting of kindergarten and~~  
2 ~~grades 1 to 3, inclusive.~~

3 ~~(B) Early elementary grades consisting of grades 4 to 6,~~  
4 ~~inclusive.~~

5 ~~(C) Early departmentalized grades consisting of grades 7 and~~  
6 ~~8.~~

7 ~~(D) Secondary grades consisting of grades 9 to 12, inclusive.~~

8 *(4) Provide the basis for statewide assessments.*

9 *(5) Provide for grade level continuity.*

10 (c) Each Academic Content and Performance Standards Review  
11 Panel shall review the content and performance standards  
12 established in its particular curriculum area, and shall recommend  
13 changes to the state board as it may deem necessary.

14 (d) If an Academic Content and Performance Standards Review  
15 Panel recommends changes to the content or performance standards  
16 in its particular curriculum area, it shall forward the recommended  
17 changes to the state board. The state board shall hold hearings on  
18 the recommended changes to the standards. The state board shall  
19 adopt or reject the recommended changes to the standards within  
20 120 days of their receipt from a review panel, and at least two  
21 years prior to the adoption of curriculum frameworks for the  
22 relevant subject area.

23 (e) If the recommended changes to the content or performance  
24 standards submitted by an Academic Content and Performance  
25 Standards Review Panel are rejected, the state board shall provide  
26 a specific, written explanation of the reasons why the submitted  
27 recommendations were not adopted. The review panel may modify  
28 the recommendations to correct deficiencies identified by the state  
29 board, and may resubmit recommended changes for adoption by  
30 the state board.

31 (f) A member of an Academic Content and Performance  
32 Standards Review Panel shall serve without compensation, except  
33 for reimbursement for actual and necessary travel expenses.

34 (g) This section shall not be implemented unless an  
35 appropriation is provided specifically for the purposes of this  
36 section in the annual Budget Act or another statute.

37 (h) Notwithstanding Section 60601, this section shall remain in  
38 effect only until January 1, 2017, and as of that date is repealed,

- 1 unless a later enacted statute, that is enacted before January 1,
- 2 2017, deletes or extends that date.

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